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In re Patent No.

7,238,674

Issue Date: July 3, 2007

Application No. 10/092,454

Filed: March 5, 2002

Attorney Docket No. 0800-0009.08

: **OFFICE OF PETITIONS**
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: **DECISION ON PETITION**
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This is a decision on the petition filed July 18, 2008, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed December 18, 2003 be withdrawn and replaced with the terminal disclaimer filed July 18, 2008. The Office is in receipt of \$130.00 towards the \$400 petition fee. As such deposit account no. 18-1648 will be charged the \$270 difference.

The petition is **DISMISSED**.

Unfortunately the above-identified application issued as a patent. Once a patent issues, the USPTO will not remove the effect of a recorded terminal disclaimer. See Manual of Patent Examining Procedure (MPEP) § 1490(B); Bayer AG v. Carlsbad Technology Inc., 64 USPQ2d 1045, 1048-49 (Fed. Cir. 2002).

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions